



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,509	06/23/2003	Yasuhito Watanabe	D-1511	8667

7590 01/26/2005

Hauptman Kanesaka Berner Patent Agents, LLP
1700 Diagonal Road
Suite 310
Alexandria, VA 22314

EXAMINER

MORRISON, THOMAS A

ART UNIT PAPER NUMBER

3653

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,509

Applicant(s)

WATANABE ET AL.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 3, 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/29/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-9 in the reply filed on December 2, 2004 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoshi et al. or Yamauchi et al. In particular, Hoshi et al. and Yamauchi et al. both disclose all of the limitations of claims 1, 2, 4, 7 and 8.

Regarding independent claim 1, Figs. 1-3, 6 and 38-43 of both Hoshi et al. and Yamauchi et al. show an automatic document feeder (including 1 and 2) for transferring an original through a reading position (Fig. 39), comprising:

first transport means (23) disposed at an upstream side of the reading position in an original transfer direction for transporting the original to the reading position (Fig. 39);

second transport means (near 12 in Fig. 39) disposed at a downstream side of the reading position in the original transfer direction for transporting the original passing through the reading position;

Art Unit: 3653

a curved reading path (Fig. 39) extending from the first transport means (23) to the second transport means (near 12 in Fig. 39);

a reading guide unit (Figs. 2, 6 and 38) including as one unit a first guide member (213) for guiding the original from the first transport means (23) to the reading position (Fig. 39); a second guide member (39) for guiding the original passing through the reading position (Fig. 39) to the second transport means (near 12 in Fig. 39); and a transparent film member (28) formed of a flexible material (columns 23 and 24) for forming at least a part of the curved reading path between the first guide member (213) and the second guide member (39); and

support means (34 and 35) attached the reading guide unit for supporting the same.

Regarding the dependent claim 2, Fig. 2 of Hoshi et al. and Yamauchi et al. show that the support means (including 34 and 35) supports the reading guide unit detachably to the automatic document feeder (including 1 and 2).

Regarding the dependent claim 4, Figs. 6 and 40 of Hoshi et al. and Yamauchi et al. show that the transparent film member (28) is arranged along a document guiding surface of the first guide member (213).

Regarding claim 7, Figs. 2 and 3 of Hoshi et al. and Yamauchi et al. show that the support means (including 34 and 35) supports the reading guide unit rotatably to the automatic document feeder (i.e., rotates about 2).

Regarding claim 8, Figs. 2 and 3 of Hoshi et al. and Yamauchi et al. show that the support means (including 34 and 35) includes a support shaft (34)

Art Unit: 3653

attached to a frame (2) of the automatic document feeder for rotatably supporting the reading guide unit to the frame (2).

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 10-055079 (cited in Applicants' IDS of 8/29/2003). In particular, Japanese Publication No. 10-055079 discloses all of the limitations of claims 1 and 4.

Regarding independent claim 1, Japanese Publication No. 10-055079 discloses an automatic document feeder (i.e., original carrying device) for transferring an original through a reading position (near 12), comprising:

first transport means (22) disposed at an upstream side of the reading position (near 12) in an original transfer direction for transporting the original to the reading position (near 12);

second transport means (62) disposed at a downstream side of the reading position in the original transfer direction for transporting the original passing through the reading position;

a curved reading path extending from the first transport means (22) to the second transport means (62);

a reading guide unit (including 32, 16 and 52) including as one unit a first guide member (32) for guiding the original from the first transport means (22) to the reading position (near 12); a second guide member (52) for guiding the original passing through the reading position (near 12) to the second transport means (62); and a transparent film member (16) formed of a flexible material for

Art Unit: 3653

forming at least a part of the curved reading path between the first guide member (32) and the second guide member (52); and

support means attached the reading guide unit (including 32, 16 and 52) for supporting the same. In particular, elements 32, 16 and 52 are shown attached to the original carrying device. As such, there is support means as claimed.

Regarding the dependent claim 4, the transparent film member (16) is arranged along a document guiding surface of the first guide member (32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshi et al. or Yamauchi et al. Fig. 1 of Hoshi et al. and Yamauchi et al. show an engagement portion (a pin 35) for engaging the support shaft (34), but do not specifically show that the engagement portion (35) is detachable relative to the support shaft (34). It would be obvious to one of ordinary skill in the art at the time of the invention, to provide a detachable engagement portion (e.g. detachable pin 35) on the Hoshi et al. device or the Yamauchi et al. device, as an obvious matter of design choice within the skill of one of ordinary skill in the art, e.g., to allow the support shaft (34) to be removed and replaced if it is broken.

Art Unit: 3653

Allowable Subject Matter


5. Claims 3, 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is 703-305-0554. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000